

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PA ADVISORS, LLC,	§	
Plaintiff,	§	
	§	
	§	
v.	§	Civil Action No. 2:07-cv-480-RRR
	§	
	§	
GOOGLE INC., et al.,	§	JURY TRIAL DEMANDED
	§	
Defendants.	§	

nXn TECH, LLC'S RESPONSE TO YAHOO! INC.'S MOTION IN LIMINE NUMBER 5

nXn Tech, LLC (f/k/a PA Advisors, LLC) (“nXn”) respectfully files this response in opposition to Yahoo! Inc’s Motion in Limine No. 5 (“Motion”), regarding the scope of expert witness testimony.

nXn agrees that all parties (nXn, Yahoo and Google) should be bound by a motion in limine on this topic, limiting expert testimony at trial to the information within the four corners of the expert’s report. nXn and Yahoo have agreed that such a Motion in Limine is acceptable but as of the time in which these responses had to be filed, the precise language for such a motion in limine could not yet be reached. Counsel to Google informed nXn during a meet and confer that Google is opposed to a Motion in Limine limiting experts to the four corners of their expert reports. nXn is amenable to a motion in limine covering nXn, Yahoo and Google, that has language substantially similar to comparable language that nXn proposed in its own Motion in Limine on this topic, Motion in Limine No. 14.

Dated: February 25, 2010

Respectfully submitted,

Andrew W. Spangler
LEAD COUNSEL
SPANGLER LAW P.C.
208 N. Green Street, Suite 300
Longview, Texas 75601
(903) 753-9300
(903) 553-0403 (fax)
spangler@spanglerlawpc.com

David M. Pridham
LAW OFFICE OF DAVID PRIDHAM
25 Linden Road
Barrington, Rhode Island 02806
(401) 633-7247
(401) 633-7247 (fax)
david@pridhamiplaw.com

John M. Bustamante
Texas Bar No. 24040618
BUSTAMANTE, P.C.
54 Rainey Street, No. 721
Austin, Texas 78701
Tel. 512.940.3753
Fax. 512.551.3773
Email: jmb@BustamanteLegal.com

Kip Glasscock
Texas State Bar No. 08011000
KIP GLASSCOCK P.C.
550 Fannin, Suite 1350
Beaumont, TX 77701
Tel: (409) 833-8822
Fax: (409) 838-4666
Email: kipglasscock@hotmail.com

By: /s/ Elizabeth A. Wiley
Elizabeth A. Wiley
Texas State Bar No. 00788666
THE WILEY FIRM PC
P.O. Box. 303280
Austin, Texas 78703-3280
Telephone: (512) 420.2387
Facsimile: (512) 551.0028
Email: lizwiley@wileyfirmpc.com

Marc A. Fenster
CA Bar No. 181067
mfenster@raklaw.com
Andrew Weiss
CA Bar No. 232974
aweiss@raklaw.com
Adam Hoffman
CA Bar No. 218740
ahoffman@raklaw.com
RUSS, AUGUST & KABAT
12424 Wilshire Blvd., 12th Floor
Los Angeles, CA 90025
(310) 826-7474
(310) 826-6991 (fax)

Patrick R. Anderson
PATRICK R. ANDERSON PLLC
4225 Miller Rd, Bldg. B-9, Suite 358
Flint, MI 48507
(810) 275-0751
(248) 928-9239 (fax)
patrick@prapllc.com

Debera W. Hepburn,
Texas Bar No. 24049568
HEPBURN LAW FIRM PLLC
P.O. Box 118218
Carrollton, TX 75011
Telephone: 214/403-4882
Facsimile: 888/205-8791
Email: dhepburn@heplaw.com

CERTIFICATE OF SERVICE

I certify that the foregoing Response to Yahoo!'s Motion in Limine No. 5 was served via the Court's CM/ECF system, on this 25th day of February 2010.

\s\ Elizabeth A. Wiley
Elizabeth A. Wiley